APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.53US1	1851

			EXAMINER
21186 7590 12/16/2005			ENGLAND, DAVID E

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/976,301	GROVE, STEVE
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 October 2005</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-48</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 April 2005</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/2005</u>,*DC*

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1 – 48 are presented for examination.

Drawings

2.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *"question"* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *"wherein said selected language construct is predetermined question that is asked by said first entity and translated responsive to said selection by said first entity"* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *"said predetermined question is asked by said first entity in an electronic commerce transaction over said network"* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *"said predetermined question is*

translated responsive to said selection of said first entity by retrieving said translated language

construct from a table that includes a plurality translated language constructs of said

predetermined question that are respectively translated into different languages" must be shown

or the feature(s) canceled from the claim(s). No new matter should be entered.

6.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every

feature of the invention specified in the claims. Therefore, the *"second transmission includes a*

plurality of interactive fields to allow said second entity to respond to said predetermined

question that is asked by said first entity" must be shown or the feature(s) canceled from the

claim(s). No new matter should be entered.

7.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every

feature of the invention specified in the claims. Therefore, the *"said plurality of interactive*

fields includes a first interactive field, wherein said first interactive field includes a drop down

list that contains a second plurality of predetermined language constructs that respectively

translated into a second language based on a language preference of said second entity" must be

shown or the feature(s) canceled from the claim(s). No new matter should be entered.

8.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every

feature of the invention specified in the claims. Therefore, the *"receiving a reply message from*

said second entity that includes a selection of the said second entity from said first interactive

field, said selection of the second entity including a response from said second entity to said

predetermined question that is asked by said first entity" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10.   Claims 1 – 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

11.   Claims 1, 5, 12, 16, 23, 27, 34, 38 and 45 – 48 recite the use of a predetermined question.

There is not disclosure of a predetermined question in the specification. Furthermore, the

limitations of newly added claims are no found in the specification. Applicant is asked to

specifically point to the specification and drawing to support their newly added and amended

claims.

12.   Claims that are dependent on claims 1, 5, 12, 16, 23, 27, 34, 38 and 45 – 48 are rejected

for their dependency on claims 1, 5, 12, 16, 23, 27, 34, 38 and 45 – 48.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claims 1, 3 – 5, 9 – 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 45 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685)

(hereinafter Flanagan).

15.   Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method

to facilitate translation of communications between entities over a network, said method

comprising:

16.   communicating a plurality of predetermined language constructs to a first entity as a first

transmission over said network, (e.g., col. 4, lines 21 – 37);

17.   responsive to selection by said first entity of a language construct of said plurality of

predetermined language constructs, identifying a translated language construct corresponding to

said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

18.   communicating said translated language construct to a second entity as a second

transmission over said network, wherein said selected language construct is predetermined setup

that is requested by said first entity and translated responsive to said selection by said first entity,

(e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not explicitly teach the

use of a question, it is well known in the art and would be obvious to one of ordinary skill in the

art that if a user is entering a chat and is required to enter information about what language the

user would like information to be presented to them, it would be implied that the system is

"asking a question" even though it is not stated in a propositional phrase. Furthermore, both

outcomes are the same, the system has information on what language to translate to and/or from.

19.   Referencing claim 3, as closely interpreted by the Examiner, Flanagan teaches retrieving

entity information relating to said second entity based on an identifier of said second entity

selected by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

20.   retrieving said translated language construct from a table based on said entity information

and said selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

21.   As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity

information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 –

37 & col. 5, line 45 – 36).

22.   Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said

predetermined setup is requested by said first entity in an electronic commerce transaction over

said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan does not

explicitly teach the use of a question, it is well known in the art and would be obvious to one of

ordinary skill in the art that if a user is entering a chat and is required to enter information about

what language the user would like information to be presented to them, it would be implied that

the system is "asking a question" even though it is not stated in a propositional phrase.

Furthermore, both outcomes are the same, the system has information on what language to

translate to and/or from.

23.   Referencing claim 9, as closely interpreted by the Examiner, Flanagan teaches said

translated language construct is generated and stored, and said correspondence to said selected

language construct is defined, prior to communication of said plurality of language constructs to

said first entity as said first transmission, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

24.   Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches at a

network-based transaction facility, storing said plurality of predetermined language constructs

and an associated plurality of translated language constructs so as to define a correspondence

between each language construct of said plurality of predetermined language constructs and at

least one associated translated language construct of said plurality of translated language

constructs , (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

25.   Referencing claim 11, as closely interpreted by the Examiner, Flanagan teaches said

storing is so as to define a correspondence between a set of said plurality of translated language

constructs, each translated language construct of said set comprising a predetermined translation

of a common underlying language construct , (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

26.   As per claim 45, as closely interpreted by the Examiner, Flanagan teaches said

predetermined question is translated responsive to said selection of said first entity by retrieving

said translated language construct from a table that includes a plurality translated language

constructs of said predetermined question that are respectively translated into different

languages, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

27.   Claims 12, 14 – 16, 20 – 23, 25 – 27, 31 – 34, 36 – 38 and 42 – 44 are rejected for similar

reasons stated above.

28.   Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35 U.S.C.

103(a) as being unpatentable over Flanagan in further view of Scanlan (6857022).

29.   Referencing claim 2, as closely interpreted by the Examiner, Flanagan does not

specifically teach communicating a plurality of interactive fields to said second entity in said

second transmission to allow said second entity to interact with at least one interactive field of

said plurality of interactive fields in response to said translated language construct. Scanlan

teaches communicating a plurality of interactive fields to said second entity in said second

transmission to allow said second entity to interact with at least one interactive field of said

plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63

– col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Flanagan with Scanlan because utilizing a drop down menu

allows the user to not type information into the system and possibly mistyping information,

causing errors in the system.

30.   Referencing claim 6, as closely interpreted by the Examiner, Flanagan does not

specifically teach said first transmission is a Hyper Text Markup Language (HTTP) message.

Scanlan teaches said first transmission is a Hyper Text Markup Language (HTTP) message,

(e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Scanlan with Flanagan because it would be obvious that

in a communication with a web server that the first communication would be a type of HTTP

message.

31.   As to claim 7, as closely interpreted by the Examiner, Flanagan does not specifically

teach said second transmission is an electronic mail message. Scanlan teaches said second

transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan

with Flanagan because of similar reasons stated above, also utilizing email gives users the ability

to communicate with other users across a network.

32.   As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is

similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive

fields as taught above. Similarly reasons for combining are also found above.

33.   As per claim 47, as closely interpreted by the Examiner, Flanagan does not specifically

teach said plurality of interactive fields includes a first interactive field, wherein said first

interactive field includes a drop down list that contains a second plurality of predetermined

language constructs that respectively translated into a second language based on a language

preference of said second entity. Scanlan teaches said plurality of interactive fields includes a

first interactive field, wherein said first interactive field includes a drop down list that contains a

second plurality of predetermined language constructs that respectively translated into a second

language based on a language preference of said second entity, (e.g. col. 6, lines 31 – 65). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine Scanlan with Flanagan because of similar reasons stated above.

34.   As per claim 48, as closely interpreted by the Examiner, Flanagan does not specifically

teach receiving a reply message from said second entity that includes a selection of the said

second entity from said first interactive field, said selection of the second entity including a

response from said second entity to said predetermined question that is asked by said first entity.

Scanlan teaches receiving a reply message from said second entity that includes a selection of the

said second entity from said first interactive field, said selection of the second entity including a

response from said second entity to said predetermined question that is asked by said first entity,

(e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Scanlan with Flanagan because of similar reasons stated

above.

35.   Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated

above.

36.   Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Flanagan in view of Christy (6301554).

37.   As to claim 8, as closely interpreted by the Examiner, Flanagan does not specifically

teach said identifier of said second entity is an electronic mail address of said second entity.

Christy teaches said identifier of said second entity is an electronic mail address of said second

entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine Christy with Flanagan because of similar

reasons stated above. Furthermore, in an email system, in order to send a message, one must

have a type of identifier, "an address", or the email cannot be sent.

38.   Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

39.   Applicant's arguments with respect to claims 1 – 48 have been considered but are moot in

view of the new ground(s) of rejection.

40.

41.

Conclusion

42.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

43.   a.   Appleby U.S. Patent No. 6463404 discloses Translation.

44.   b.   Shakib et al. U.S. Patent No. 5778213 discloses Multilingual storage and retrieval.

45.   c.   Chong et al. U.S. Patent No. 5497319 discloses Machine translation and telecommunications system.

46.   d.   Christy U.S. Patent No. 5884247 discloses Method and apparatus for automated language translation.

47.   e.   Flanagan et al. U.S. Patent No. 6292769 discloses System for automated translation of speech.

48.   f.   Horiguchi et al. U.S. Patent No. 6282507 discloses Method and apparatus for interactive source language expression recognition and alternative hypothesis presentation and selection.

49.   g.   Yamauchi et al. U.S. Patent No. 5652896 discloses Language conversion system and text creating system using such.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De

JEFFREY PWU
PRIMARY EXAMINER